



## Zoning Map Change Report

**Meeting Date: March 21, 2011**

Table A: Summary			
Application Summary			
Case Number	Z1000013	Jurisdiction	City
Applicant	Tim Smith, Philip Post & Associates	Submittal Date	November 8, 2010
Reference Name	Durham Technical College	Site Acreage	0.623
Location	1522 East Lawson Street, south side of East Lawson Street between Bacon Street and South Briggs Avenue		
PINs	0830-06-49-6314 (partial)		
Request			
Proposed Zoning	Industrial Light (IL)	Proposal	Parking lot
Site Characteristics			
Development Tier	Urban		
Land Use Designation	Industrial		
Existing Zoning	Office Institutional with a development plan (D)		
Existing Use	Vacant		
Overlays	None	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Third Fork Creek
Recommendations/Comments/Determination			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.		
Planning Commission	Approval, 11 – 0, on February 8, 2011. The Planning Commission finds that the ordinance request is consistent with the adopted <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report.		
DOST	No comment		
BPAC	No comment		

### A. Summary

This is a request to change the zoning designation of 0.623 acres of a 2.19-acre parcel from OI(D) to IL, thus designating the entirety of this currently split-zoned parcel as IL. The subject property is located at 1522 East Lawson Street, south side of East Lawson Street between Bacon Street and South Briggs Avenue (see Attachment 1, Context Map). This request is consistent with the future land use designation of the *Comprehensive Plan*.

Appendix A provides supporting information.

## **B. Site History**

The base zoning of OI(D) (Case P00-11) was approved by City Council on May 15, 2000 (see Attachment 7, P00-11 development plan reduction). This plan shows a church campus layout and commits the southeast portion of the site (the subject property of this request) as undisturbed tree save (12,000 square feet). A stream buffer and sewer easement are also shown impacting the subject property. This stream has recently been piped by the City of Durham.

After approval of the zoning map change (Case P00-11) to OI(D), Durham Technical Community College purchased the subject property.

This zoning map change is required in order to remove the committed tree save area of the existing development plan and to allow for the entirety of the subject parcel to be used to meet the requirements of the proposed development. A site plan (Case D1000155) for a proposed 2,068 square foot security office building has also been submitted that would impact this site in terms of building placement and grading.

## **C. Review Requirements**

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

## **D. Unified Development Ordinance (UDO) Compliance**

There is no development plan associated with this request. As such, there are no voluntary limitations imposed to the requested IL zoning district.

Appendix D provides supporting information.

**Determination.** This request is consistent with the requirements of the Unified Development Ordinance.

## **E. Adopted Plans**

A zoning map change request shall be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plan included by reference.

**Determination.** The requested IL zoning district is consistent with *Future Land Use Map* as well as other applicable polices of the *Comprehensive Plan*.

## F. Site Conditions and Context

**Site Conditions.** This site is currently vacant (see Attachment 3, Aerial Photography) and is protected tree save area pursuant to the OI(D) zoning designation, Case P00-11 (see Attachment 7, P00-11 development plan reduction). On the subject property, a stream has recently been piped thereby removing the UDO-defined steep slopes from the site; however, approximately 8,000 square feet of slopes greater than 25% exist through the central portion of the site.

**Area Characteristics.** This site is in the Urban Tier and is part of Durham Technical Community College's campus. There are pockets of other office, industrial, and institutional uses between the urban neighborhood to the east and the southern bend of NC 147 to the west.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

**Determination.** The proposed IL district meets the ordinance and policy requirements in relation to site and context and is a reasonable request given the surrounding uses. Removal of the committed tree save area does not conflict with the current ordinance standards; tree save is not required in the Urban Tier.

## G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request. See Appendix G for additional information.

**Determination.** The proposed IL district meets the ordinance requirements and adopted plans and policies in relation to infrastructure impacts.

## H. Staff Analysis

Staff has determined that this request is consistent with the *Comprehensive Plan* and other adopted policies and ordinances.

Approval of this request would remove a split-zoned parcel thus allowing the property owner to utilize the entire 2.19 acre parcel for development as a single use. Otherwise, the subject site would remain protected as tree save area. The slopes (once classified as steep slopes associated with the recently piped stream) would also remain as undisturbed.

## I. Contacts

Table I: Contacts		
Staff Contact		
Amy Wolff, Planner	Ph: 919-560-4137, ext: 28235	Email: <a href="mailto:Amy.Wolff@durhamnc.gov">Amy.Wolff@durhamnc.gov</a>
Applicant Contact		
Tim Smith, Philip Post & Associates	Ph: 919-929-1173	Email: <a href="mailto:tsmith@ppaengineering.com">tsmith@ppaengineering.com</a>

## **J. Notification**

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Friends of Durham
- Fayetteville Street Planning Group
- Unity in the Community for Progress
- Partner's Against Crime – District 4

## **K. Summary of Planning Commission Meeting February 8, 2011 (Case (Z1000013))**

**Zoning Map Change Request:** OI(D) to IL

**Staff Report:** Ms. Wolff presented the staff report.

**Public Hearing:** Chair Brown opened the public hearing. No one spoke. Chair Brown closed the Public Hearing.

**Commission Discussion:** Commission discussion centered around the existing development plan and steep slopes.

**Motion:** Recommend Approval (Mr. Harris, Mr. Davis 2<sup>nd</sup>)

**Action:** Motion carried, 11-0

**Findings:** The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report.

## L. Supporting Information

<b>Table K: Supporting Information</b>		
<b>Applicability of Supporting Information</b>		
Appendix A	Application	Attachments: <ol style="list-style-type: none"> <li>1. Context Map</li> <li>2. Future Land Use Map</li> <li>3. Aerial Photography</li> <li>4. Application</li> <li>5. Owner's Acknowledgement</li> <li>6. Submittal and Review History</li> </ol>
Appendix B	Site History	Attachment: <ol style="list-style-type: none"> <li>7. P00-11 development plan reduction</li> </ol>
Appendix C	Review Requirements	n/a
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	n/a
Appendix I	Contacts	n/a
Appendix J	Notification	n/a
Appendix K	Summary of Planning Commission Meeting	Attachment: <ol style="list-style-type: none"> <li>8. Planning Commissioner's Written Comments</li> <li>9. Ordinance Form</li> </ol>

### Appendix A: Application Supporting Information

#### Attachments

1. Context Map
2. Future Land Use Map
3. Aerial Photograph
4. Application
5. Owner's Acknowledgement
6. Submittal and Review History

### Appendix B: Site History Supporting Information

#### Attachments

7. P00-11 development plan reduction

## Appendix D: Unified Development Ordinance Supporting Information

Table D1. UDO Designation Intent	
<b>IL</b>	<b>Industrial Light:</b> the IL district is established to provide for a wide range of light manufacturing, warehousing, and wholesaling activities as well as offices and some support services. Design standards of this district are intended to ensure such development is compatible with high visibility areas and to minimize impacts on the environment. While IL is an industrial district, other uses such as office and commercial may also be allowed. In addition to general light industrial uses, specific industrial uses allowed include junk yards, warehouses, and recycling centers.

Table D2. District Requirements - IL			
	Code Provision	Required	Proposed
<b>Minimum Site Area (square feet)</b>	6.10.1.C	5,000	27,137
<b>Lot Width (minimum)</b>	6.10.1.C	50	260*

\*The lot width is for the parcel which is larger than the area being rezoned.

## Appendix E: Adopted Plans Supporting Information

Table E: Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	Industrial
2.3.3b	Urban Tier Land Uses
8.1.2m	Transportation Level of Service
9.4.1a	Water Quantity Level of Service
11.1.1a	School Level of Service

## Appendix F: Site Conditions and Context

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
<b>North</b>	Vacant, community service	OI, IL	n/a
<b>East</b>	Vacant, community service, manufacturing	IL	n/a
<b>South</b>	Warehouse, school	IL, RU-5	n/a
<b>West</b>	Warehouse, retail	OI(D)	n/a

## Appendix G: Infrastructure Supporting Information

<b>Table G1. Road Impacts</b>	
Briggs Avenue is the major road impacted by the proposed zoning change. There are no scheduled NCDOT roadway improvement projects in the area.	
<b>Affected Segments</b>	<b>South Briggs Avenue</b>
<b>Current Roadway Capacity (LOS D) (ADT)</b>	29,500
<b>Latest Traffic Volume (AADT)</b>	12,000
<b>Traffic Generated by Present Designation (average 24 hour)</b>	N/A*
<b>Traffic Generated by Proposed Designation (average 24 hour)</b>	N/A**
<b>Impact of Proposed Designation</b>	None

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2002)

Briggs Avenue: 5-lane major city/county roadway

Source of Latest Traffic Volume: 2009 NCDOT Traffic Count Map

\*Assumption (Max Use of Existing Zoning) – N/A

\*\*Assumption (Max Use of Proposed Zoning) – N/A

<b>Table G2. Transit Impacts</b>
Transit service is provided adjacent to the site along East Lawson Street via DATA routes #8 and #13.

<b>Table G3. Utility Impacts</b>
The site is served by City water and sewer.

<b>Table G4. Drainage/Stormwater Impacts</b>
The impacts of any change will be assessed at the time of site plan submittal.

<b>Table G5. School Impacts</b>			
The existing and proposed zoning do not allow residential development. There is no estimated student generation for this site. Durham Public Schools serving the site are Bethesda Elementary School, Lowes Grove Middle School, and Hillside High School.			
<b>Students</b>	<b>Elementary School</b>	<b>Middle School</b>	<b>High School</b>
<b>Current Building Capacity</b>	15,871	8,647	9,951
<b>Maximum Building Capacity (110% of Building Capacity)</b>	17,458	9,512	10,946
<b>20<sup>th</sup> Day Attendance (2009-10 School Year)</b>	16,027	6,723	9,639
<b>Committed to Date (October 2007 – September 2010)</b>	420	144	109
<b>Available Capacity</b>	1,011	2,645	1,198
<b>Potential Students Generated – Current Zoning*</b>	0	0	0
<b>Potential Students Generated – Proposed Zoning**</b>	0	0	0
<b>Impact of Proposed Zoning</b>	0	0	0

\*Assumption- (Existing Zoning)–OI(D): no residential allowed, committed tree save

\*\*Assumption- (Proposed Zoning) –IL: 19,000 square foot parking lot

<b>Table G6. Water Supply Impacts</b>	
This site is not estimated to generate any water supply impacts.	
<b>Current Water Supply Capacity</b>	37.00 MGD
<b>Present Usage</b>	25.63 MGD
<b>Approved Zoning Map Changes (July 2007 –June 2010)</b>	1.56 MGD
<b>Available Capacity</b>	9.81 MGD
<b>Estimated Water Demand Under Present Zoning*</b>	0 GPD
<b>Potential Water Demand Under Proposed Zoning**</b>	0 GPD
<b>Potential Impact of Zoning Map Change</b>	0
Notes: MGD = Million gallons per day	

\*Assumption- (Existing Zoning)–OI(D): no residential allowed, committed tree save

\*\*Assumption- (Proposed Zoning) –IL: 19,000 square foot parking lot

## Appendix K: Summary of Planning Commission Meeting Supporting Information

### Attachments

8. Planning Commissioner's Written Comments
9. Ordinance Form